

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

H. LUNDBECK A/S, et al.,	:	
	:	
Plaintiffs,	:	
vi.	:	C.A. No. 18-88-LPS
	:	
APOTEX INC., et al.,	:	
	:	
Defendants.	:	

ORDER

At Wilmington this 16th day of July, 2019:

For the reasons set forth in the Memorandum Opinion issued this date,

IT IS HEREBY ORDERED that the following claim terms are construed as follows:

Claim Term	Court's Construction
characterized by an XRPD [pattern] as shown in [any of] FIG[S]...	identifiable by reference to an x-ray powder diffraction pattern as shown in [any of] FIG[S]...
1-[2[(2,4-dimethylphenylsulfanyl)-phenyl]piperazine hydrobromide salt [alpha form, beta form, gamma form]	vortioxetine hydrobromide salt crystalline form described in the specification as the [alpha / beta / gamma] form and being identifiable by reference to the [alpha / beta / gamma] form in the specification
1-[2[(2,4-dimethylphenylsulfanyl)-phenyl]piperazine hydrobromide salt [hemihydrate / ethyl acetate solvate]	a [hemihydrated crystalline form / crystalline ethyl acetate solvate] of vortioxetine hydrobromide, referred to in the patent specification as ["hemihydrate" / "ethyl acetate solvate"], that can be distinguished from other forms
mixtures thereof	mixtures of only the foregoing listed forms
alleviates / alleviating	mitigates / mitigating



UNITED STATES DISTRICT JUDGE